

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1972

Introduced by Assembly Member DeSaulnier

February 14, 2008

An act to amend Sections 42356, 42357, ~~and 42359.5~~ 42359.5, and 42359.6 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL’S DIGEST

AB 1972, as amended, DeSaulnier. Solid waste: plastic *bags: food and beverage* containers.

~~Existing~~

(1) *Existing* law prohibits a person from selling a plastic bag that is labeled as “compostable,” “biodegradable,” “degradable,” or as otherwise specified unless, at the time of sale the bag meets a current American Society for Testing and Materials (ASTM) standard specification for the term used on the label.

This bill would change this exemption to the prohibition to require the bag to meet *either the* ASTM Standard Specification for Compostable Plastics D6400 *or the ASTM Standard Specification for Non-Floating Biodegradable Plastics in the Marine Environment D7801*.

~~Existing~~

(2) *Existing* law prohibits a person from selling a plastic food or beverage container that is labeled as “biodegradable,” “compostable,” “degradable,” or as otherwise specified, unless, at the time of sale, the container meets the ASTM Standard Specification for Compostable Plastics ~~(D6400-04)~~ D6400-04.

This bill would apply that prohibition to a food or beverage container instead of a plastic food or beverage container and would make conforming changes.

This bill would expand the ~~exemption to the prohibition to ASTM standard specification that a container may meet to additionally include containers that meet the ASTM Standard Specification for Biodegradable Plastics Used as Coatings on Paper and Other Compostable Substrates (D6868) D6868 or the ASTM Standard Specification for Non-Floating Biodegradable Plastics in the Marine Environment D7801.~~ The bill would also change the reference to ASTM standard ~~(D6400-04) to (D6400)~~ so as D6400 to incorporate any revisions to that standard.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 42356 of the Public Resources Code is
- 2 amended to read:
- 3 42356. For purposes of this chapter, the following definitions
- 4 apply:
- 5 (a) “ASTM” means the American Society for Testing and
- 6 Materials.
- 7 (b) (1) “ASTM standard specification” means ~~ASTM one of~~
- 8 ~~the following:~~
- 9 (A) ~~The ASTM Standard Specification for Compostable Plastics~~
- 10 ~~D6400 and D6400.~~
- 11 (B) ~~The ASTM Standard Specification for Non-Floating~~
- 12 ~~Biodegradable Plastics in the Marine Environment D7801.~~
- 13 (2) “ASTM Standard Specification” does not include an ASTM
- 14 Standard Guide, a Standard Practice, or a Standard Test Method.
- 15 (c) “Manufacturer” means a person, firm, association,
- 16 partnership, or corporation that produces a plastic bag.
- 17 (d) “Supplier” means a person who does one or more of the
- 18 following:
- 19 (1) Sells, offers for sale, or offers for promotional purposes, a
- 20 plastic bag that is used by a person to contain a product.
- 21 (2) Takes title to a plastic bag produced either domestically or
- 22 in a foreign country, that is purchased for resale or promotional
- 23 purposes.

SEC. 2. Section 42357 of the Public Resources Code is amended to read:

42357. (a) A person shall not sell a plastic bag in this state that is labeled with the term “compostable,” “biodegradable,” “degradable,” or any form of those terms, or in anyway imply that the bag will break down in a landfill, composting, marine, or other natural terrestrial environment, unless, at the time of the sale, the plastic bag meets *either the ASTM Standard Specification for Compostable Plastics D6400 or the ASTM Standard Specification for Non-Floating Biodegradable Plastics in the Marine Environment D7801*.

(b) A manufacturer or supplier, upon the request of a member of the public, shall submit to that member, within 90 days of the request, information and documentation demonstrating compliance with this chapter, in a format that is easy to understand and scientifically accurate.

SEC. 3. Section 42359.5 of the Public Resources Code is amended to read:

42359.5. For purposes of this chapter, the following definitions apply:

(a) “ASTM” means the American Society for Testing and Materials.

(b) “ASTM standard specification” means *one of the following*:

(1) *The ASTM Standard Specification for Compostable Plastics and D6400. D6400.*

(2) *The ASTM Standard Specification for Non-Floating Biodegradable Plastics in the Marine Environment D7801.*

(3) *The ASTM Standard Specification for Biodegradable Plastics Used as Coatings on Paper and Other Compostable Substrates D6868.*

(c) ~~“Plastic food”~~ “Food or beverage container” means plastic packaging for a finished product that contains food or drink items, or utensils, for retail sale.

(d) “Manufacturer” means a person, firm, association, partnership, or corporation that produces a plastic food or beverage container.

(e) “Supplier” means a person who does one or more of the following:

(1) Sells, offers for sale, or offers for promotional purposes, a plastic food or beverage container that is used by a person to contain a product.

(2) Takes title to a plastic food or beverage container produced either domestically or in a foreign country, that is purchased for resale or promotional purposes.

SEC. 4. Section 42359.6 of the Public Resources Code is amended to read:

42359.6. (a) A person shall not sell a plastic food or beverage container in this state that is labeled with the term “compostable,” “biodegradable,” “degradable,” or any form of those terms, or in anyway imply that the container will break down in a landfill, composting, marine, or other natural terrestrial environment, unless, at the time of the sale, the plastic food or beverage container meets the ASTM standard specification for the term used on the label.

(b) A manufacturer or supplier, upon the request of a member of the public, shall submit to that member, within 90 days of the request, information and documentation demonstrating compliance with this chapter, in a format that is easy to understand and scientifically accurate.

CORRECTIONS:

Text—Page 3.